

REMARKS

I. Introduction

With cancellation herein without prejudice of claim 13 and the addition of new claims 15 to 17, claims 8 to 12, and 14 to 17 are now pending in the present application, since claims 1 to 7 were previously canceled. Claims 8 and 14 have been amended to include subject matter of canceled claim 13. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgement of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the Information Disclosure Statements, PTO-1449 paper, and cited references. However, with respect to four of the references listed in the 1449 paper filed April 25, 2006, the Examiner has not initialed these listings, the listings appear to have been crossed out, and it is not clear whether the Examiner has considered these references. However, it is believed and respectfully submitted that these references have been properly cited, and consideration of these references is respectfully requested. Applicants respectfully request an initialed copy of the PTO-1449 paper filed April 25, 2006, initialed to clearly indicate that all of the references listed therein have been considered. While it is believed that copies of the cited references have been provided by the International Searching Authority, Applicant submits herewith courtesy copies of the references whose listings have been crossed out.

II. Rejection of Claims 8 to 12 and 14 under 35 U.S.C. §103(a)

Claims 8 to 12 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,894,606 ("Forbes") in view of U.S. Patent No. 5,835,028 ("Bender") and U.S. Patent No. 3,902,687 ("Hightower"). The rejection should be withdrawn for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. *See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied*, 111 S. Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation,

either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007).

Claim 8 relates to a lane assist system for a motor vehicle, and, as herein amended without prejudice, recites that a surround sensor device includes a sensor for detecting vehicles approaching from a rear, and, if it is detected, during a change to a new lane, that a vehicle is rapidly approaching from the rear on the new lane, the lane assist system outputs a warning. The Office Action admits that the combination of Forbes, Bender, and Hightower does not disclose these features. Instead, with respect to canceled claim 13, asserts that U.S. Patent No. 6,853,311 (“Taniguchi”) discloses this feature. However, Taniguchi merely determines a distance of a vehicle to an object at the rear of the vehicle. That the object at the rear is rapidly approaching is not detected. Specifically, Taniguchi merely provides for detecting a velocity of the vehicle on which the sensor is situated. Taniguchi does not disclose or suggest, for example, detecting the velocity of the approaching vehicle. Thus, the combination of Forbes, Bender, and Hightower, considered alone or in combination with Taniguchi, does not disclose or suggest this feature of claim 8.

Accordingly, the cited references do not disclose or suggest all of the features of claim 8, so that the cited references do not render unpatentable claim 8 or any of its dependent claims, e.g., claims 9 to 12.

Claim 14 has been amended herein without prejudice to include subject matter analogous to that of claim 8, so that the cited references do not render unpatentable claim 14 for at least essentially the same reasons as claim 8.

As further regards claim 14, claim 14 provides for generating a warning for a driver of the vehicle if it is detected, during a change to a new lane, that a vehicle is rapidly approaching from the rear on the new lane, *wherein generating the warning includes generating a vibration, noticeable to the driver, in a driver seat on a side of a seating surface corresponding to a direction of the change to the new lane.* None of the cited references disclose or suggest outputting a warning of a vehicle approaching during a lane change by generating a vibration on the side corresponding to the lane change. That is, none of the cited references disclose or suggest generating a warning as a vibration on a particular side of a

seat, where the warning occurs during a lane change, where it is expected that the driver is aware of a side of the danger. Instead, the vibration of the cited references is output when there is a veering of a vehicle from an intended path. For this additional reason, the cited references do not disclose or suggest all of the features of claim 14, so that the cited references do not render unpatentable claim 14 for this additional reason.

Withdrawal of this obviousness rejection is therefore respectfully requested.

III. Rejection of Claim 13 under 35 U.S.C. §103(a)

Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Forbes in view of Bender, Hightower, and Taniguchi. Claim 13 has been canceled herein without prejudice, thereby rendering moot the present rejection.

IV. New Claim 15 to 17

Claims 15 to 17 have been added herein. New claims 15 to 17 do not add any new matter and are fully supported by the present application, including the Specification.

Claim 15 depends from claim 8 and is therefore allowable for at least the same reasons as claim 8.

Claim 16 recites “a second alerting device adapted to output at least one of an acoustic and a visual warning signal conditional upon a determination that the vibration has been ignored.” The cited references do not disclose or suggest this feature and therefore do not render unpatentable claim 16.

Claim 17 includes subject matter analogous to that of claim 16 and is therefore allowable for at least essentially the same reasons as claim 16.


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V. Conclusion

In view of the foregoing, it is respectfully submitted that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
KENYON & KENYON LLP

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By:  (Reg. No. 59,210) for:

Gerard A. Messina
Reg. No. 35,952

One Broadway
New York, NY 10004
(212) 425-7200

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